

## **DECLARATION OF KAY RIECK**

I, KAY RIECK, HEREBY DECLARE UNDER PENALTY OF PERJURY THE FOLLOWING MATTERS, WHICH ARE TRUE AND CORRECT AND OF MY OWN PERSONAL KNOWLEDGE:

1. My name is Kay Rieck. I am over 21 years of age and am fully competent to make the statements contained herein.
2. In general, this lawsuit and the events described in the Original Petition involved Delaware entities that owned and operated oil and gas properties located in Alaska—not Texas. I have never resided in Texas or owned or rented any residence in Texas. I have never had an office in the State of Texas. I am not a citizen of the United States. I deny the factual allegations in the Original Petition regarding my alleged minimum contacts with the State of Texas, except to the extent specifically stated in this declaration.
3. I was the chairman of the board of directors at Deutsche Oel & Gas S.A., a Luxembourg corporation (“DOGSA”). DOGSA is the 100% owner of the equity interests in Brutus AG, f/k/a Deutsche Oel & Gas AG, a German corporation (“Brutus”). Brutus previously owned 100% of the equity interests of Cornucopia Oil & Gas Company, LLC, a Delaware limited liability company (“Cornucopia”). Cornucopia has two 100% owned subsidiaries, Furie Operating Alaska, LLC, a Delaware limited liability company (“Furie”) and Corsair Oil & Gas LLC (“Corsair”) (collectively, Furie and Corsair shall be referred to as the “Subsidiaries”).
4. Cornucopia and its Subsidiaries each filed Chapter 11 proceedings on August 8, 2019, in the United States Bankruptcy Court for the District of Delaware, Case Nos. 19-11782 (Cornucopia), 19-11781 (Furie), and 19-11783 (Corsair). These bankruptcy cases were jointly administered.

5. After confirmation of the Plan of Reorganization for Cornucopia and its Subsidiaries in June 2020, I resigned as Chairman of the Board of Directors of DOGSA.
6. Cornucopia and Corsair owned oil and gas properties located in Alaska. Furie was the operating company for the oil and gas properties owned by Cornucopia and Corsair. Furie did not operate any other oil and gas properties.
7. Cornucopia and Corsair did not own any oil and gas properties located in Texas, and Furie did not own or operate any oil and gas properties in Texas.
8. Through 2016, Cornucopia and its Subsidiaries had offices located in both Alaska and Texas. In 2016, the Texas office was closed, and from that point forward, Cornucopia and its Subsidiaries only had one office in Alaska.
9. I am not and have never been an officer of Cornucopia or any of its Subsidiaries. I sat on a three-person Board of Managers for Cornucopia and its Subsidiaries, with Energy Capital Partners (“ECP”), from 2016 to the date the Plan of reorganization was confirmed in June 2020. The Board of Managers was composed of me, a manager chosen by ECP, and third manager chosen by me and ECP’s chosen manager. All meetings of the Board of Managers that I attended were conducted telephonically.
10. During my tenure as a member of the Board of Managers for Cornucopia and its Subsidiaries, nearly all of the meetings of the Board of Managers took place by telephone. When I did not attend a meeting of the Board of Managers, a professional with the law firm of Reed Smith attended in my place. When I attended such meetings by telephone, in most instances I would call in from a place not in the United States. If I did call in from a place in the United States, it was not from Texas. The other members of the Board of Managers usually called from their offices in New York. To

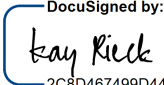
the best of my knowledge, the other members of the Board of Managers did not call from Texas.

11. I was invited to several in-person meetings that occurred in New York and California, where ECP had offices. ECP was the main lender to Cornucopia and its Subsidiaries from 2014 forward. I was invited to several meetings in Alaska regarding the business affairs of Cornucopia and its Subsidiaries. I was invited to and did attend one meeting that occurred at the League City, Texas, office of Cornucopia and its Subsidiaries in 2016. I also traveled to Galveston, Texas in 2012 to attend a court hearing in a case involving Cornucopia and its Subsidiaries. That hearing never occurred, and the case was settled.
12. At all times prior to my resignation as Chairman of the Board of DOGSA, the day-to-day operations of Furie were run by Furie's Chief Operating Officer, Thomas Hord. Before the Board of Managers was created in 2016, Cornucopia and its subsidiaries were required to and did, to my knowledge, seek the approval of ECP for all budgets and spending decisions of Cornucopia and its Subsidiaries.
13. Cornucopia and its Subsidiaries have never owned any oil and gas properties or other operating assets in the State of Texas.
14. Other than as described above, I have not conducted any other business in Texas or solicited any business in Texas.
15. I was born and reared in Germany, and I am a German citizen, although I do not currently reside there. I am not a citizen of the United States. I never maintained an office at Cornucopia and/or its Subsidiaries' offices located in either Texas or Alaska, nor did I ever maintain any other office or place of business in in the United States.
16. On the date the captioned lawsuit was filed on August 6, 2021, I was a resident of Dubai and hold a Dubai resident visa. However, I was no longer a resident at the Jumeirah Palm Residences and did not have a post

office box in Dubai. I continue to not reside at the Jumeirah Palm Residences and do not have a post office box in Dubai.

17. I have never received by regular, certified, or registered mail an original or a copy of a summons or petition filed in the captioned lawsuit. I have never received by regular, certified, or registered mail any communication, including a summons and/or copy of the Original Petition, from the Secretary of State for the State of Texas. If any such mail was addressed to me at a post office box located in Dubai, such post office box did not exist in my name at the time such mail was sent.
18. The foregoing facts are within my personal knowledge, and they are true and correct.

SIGNED this 7<sup>th</sup> day of September 2021 in New York County, New York.

DocuSigned by:  
  
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Kay Rieck